

Serial No. 10/781,820
Docket No. H64-163097M/MNN
NGB.365

5

AMENDMENTS TO THE DRAWINGS

Please replace drawing sheet 1, amending Fig. 2, with the attached sheet.

REMARKS

Claims 1-20 are pending in the application. By this Amendment, Fig. 2 and claims 1 and 5 are amended. Claims 7-20 are added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the prior art rejections, claims 1-3, 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Todome (U.S. Patent No. U.S. 6,397,033) in view of Jeran, (U.S. Patent No. U.S. 5,604,570) and further in view of Kurotaka (U.S. Patent No. U.S. 6,078,766). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being as being unpatentable over the combination of Todome, Jeran and Kurotaka, and further in view of Fujita.

The rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The invention as recited in independent claim 1, for example, is directed to a belt unit of an electrophotographic printing apparatus, that includes two rollers for supporting a belt so as to be substantially in parallel with each other, two frames for supporting the rollers and attached to opposite ends of one of the rollers respectively so as to be perpendicular to the rollers, two support members attached to opposite ends of the other roller so as to be perpendicular to the rollers, two elastic members interposed between the two support members and the two frames respectively, and a belt mounting guide provided between the two frames. The belt mounting guide includes a rotating shaft disposed in parallel with the two rollers, and an edge portion disposed along a length of the rotating shaft, the edge portion being inclined relative to an axial direction of the rotating shaft (Application at page 4, lines 1-13).

This structure is important because with this structure, the shape of the belt mounting guide increases slowly along the direction of tensioning the belt. As a result, slack that may be present in a lower part of the belt is eliminated so that the belt is more surely mounted for sensing of the belt position (Application at page 8, lines 20-25).

In a conventional belt photoconductor unit, as described in the Background of the present Application, sensing a position of the belt was difficult and the belt would become misaligned (Application at page 1, line 12-page 3, line 19).

In contrast, an exemplary aspect of the claimed invention may allow a belt photoconductor unit to be mounted in a position where a sensor can detect the belt properly and without causing damage to the belt (Application at page 3, lines 22-25).

None of the applied references discloses or suggests this invention.

II. THE PRIOR ART REJECTIONS

A. The Todome, Jeran, et al., and Kurotaka reference rejection

In rejecting claims 1-3, 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over the combination of Todome, Jeran, et al. (Jeran) and Kurotaka the Examiner alleges that the combination of references discloses all of the features of the rejected claims. However, there is no motivation or suggestion to combine the references and there are elements of the rejected claims that are not disclosed or suggested by the combination of references.

In rejecting claims under 35 U.S.C. §103, it is incumbent on the Examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine* 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In doing so, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 476 (1966), and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. *Uniroyal Inc. v. F-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988). The prior art must provide a motivation or reason for a worker of ordinary skill in the art, without the benefit of Applicants' specification, to make the necessary changes in the reference device (MPEP §2144.04(f)).

Todome addresses problems known in transferring color toner images onto an image receiving medium by providing regulation members 60F, 60R to maintain the belt in position (col. 1, lines 40-55 of Todome). Jeran addresses difficulties in moving a motorized developer assembly in a color printer into contact with the developer by displacing the belt (col. 1, line 56-col. 2, line 35). Thus, there is no suggestion, nor would one of skill in the art be motivated, to modify Todome, which seeks to prevent belt movement, with the teachings of Jeran, which seeks to enable belt movement.

Moreover, even considering *arguendo* that such a combination were made, the result would render Todome useless for its intended purpose because the belt would not be maintained in position.

Similarly, Kurotaka seeks to prevent movement of the belt. Therefore, there is no suggestion or motivation to combine the teachings of Kurotaka with those of Jeran.

Further, even considering *arguendo* that such a combination were made, the resulting combination fails to disclose or suggest all of the features recited in the rejected claims.

For example, it is alleged that the belt tensioner 17 of Jeran corresponds to the “belt mounting guide” recited in the rejected claims. However, the belt tensioner 17 is provided for setting the belt 11 at a predetermined tension or for adjusting the belt tension appropriately for a friction drive roller (col. 5, lines 41-48 of Jeran).

In fact, Jeran describes a guide housing 19 as a guide means that that has a base plate 21 and guide plates 23, that extend perpendicularly to the base plate 21. By failing to interpret Jeran in accordance with the clear disclosure of the reference, the Examiner has failed to consider the reference as a whole, including those teachings that are in conflict with the Examiner’s interpretation.

It is further alleged in the Office Action that the belt shift detecting member 5, disposed on both end portions of the drive roller 2 of Kurotaka corresponds to the “rotating shaft disposed in parallel with the two rollers, and an edge portion disposed along a length of the rotating shaft, the edge portion being inclined relative to an axial direction of the rotating shaft, of the “belt mounting guide.”

However, as clearly described in Kurotaka, the drive roller 2 is a roller. Therefore, the roller 2 cannot correspond to a rotating shaft that is disposed between two rollers. Additionally, the detecting member 5 and its tapered surface 5a are not part of the drive roller 2. Rather, the detecting member is described as detecting a shift in the belt 3 and therefore more closely corresponds to the sensor 14 described in the present Application.

Because the combination of references fails to disclose or suggest all of the claim features, withdrawal of the rejection is respectfully requested.

B. The Todome, Jeran, Kurotaka and Fujita reference rejection

In rejecting dependent claim 4 under 35 U.S.C. §103(a) as being unpatentable over the combination of Todome, Jeran, Kurotaka and Fujita, the Examiner alleges that the combination of references all of the features of the rejected claims. However, claim 4 is allowable for its dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein.

Moreover, as Fujita fails to overcome the deficiencies of Todome, Jeran and Kurotaka, the combination of references fails to disclose or suggest all of the claim features, withdrawal of the rejection is respectfully requested.

IV. FORMAL MATTERS AND CONCLUSION

A. Objections to the Drawings

The drawings are objected to for allegedly failing to show every feature recited in the claims. Specifically, the Examiner alleges that the step portion 12a of the belt mounting guide 12, as described at page 9, line 1 of the Specification, and recited in claim 2, is not shown in the figures.

As the drawings are amended to include reference character "12a," withdrawal of the objection is respectfully requested.

B. Conclusion

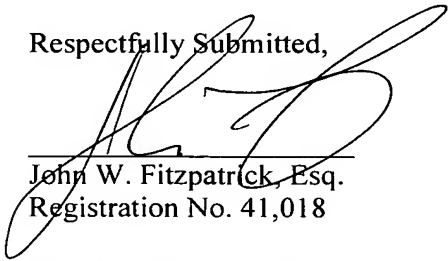
In view of the foregoing, Applicants submit that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 2/6/07

Respectfully Submitted,


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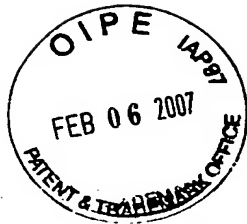


FIG. 1

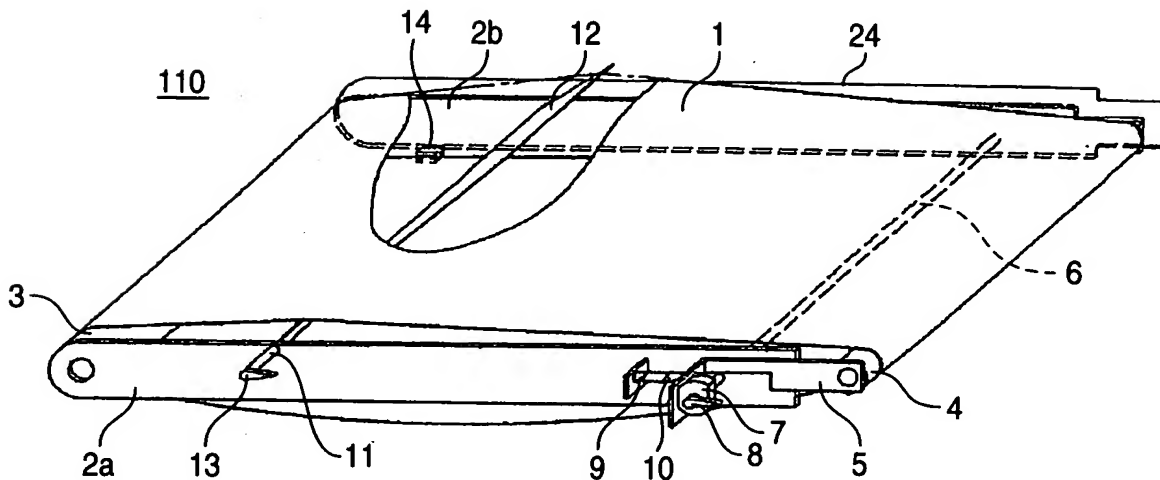


FIG. 2

